

Grant B. Gelberg (SBN 229454)  
Grant.Gelberg@halpernmay.com  
Kevin H. Scott (SBN 274605)  
Kevin.Scott@halpernmay.com  
Alyssa L. Titche (SBN 313296)  
Alyssa.Titche@halpernmay.com  
Catherine Thompson (SBN 313391)  
Catherine.Thompson@halpernmay.com  
HALPERN MAY YBARRA & GELBERG LLP  
550 South Hope Street, Suite 2330  
Los Angeles, California 90071  
Telephone: (213) 402-1900

Attorneys for Defendant  
MISOOK KIM

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., et al.,

Defendants.

CASE NO. 2:22-cv-09094-GW-MAR

**DECLARATION OF ALYSSA L.  
TITCHE IN SUPPORT OF  
DEFENDANTS MISOOK KIM AND  
ALIN PILKINGTON'S REPLY IN  
SUPPORT OF JOINDER IN  
SKYRYSE, INC.'S MOTION TO  
STAY**

*[Reply filed concurrently herewith]*

The Honorable George H. Wu

Hearing Date: April 13, 2023

Time: 8:30 a.m.

Courtroom: 9D

**DECLARATION OF ALYSSA L. TITCHE**

I, Alyssa L. Titche, hereby declare:

1. I am an attorney at the law firm Halpern May Ybarra Gelberg LLP, counsel for Defendant Misook Kim (“Ms. Kim”) in this action. I have sufficient personal knowledge of the facts set forth herein that if called as a witness I could and would testify competently to those facts under oath. I submit this declaration in support of Defendants Kim and Alin Pilkington’s (“Pilkington,” collectively “Individual Defendants”) Reply in Support of Joinder in Skyrise, Inc.’s Motion to Stay.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a March 10, 2023 email chain I received in which counsel for the Individual Defendants invoke the Individual Defendants’ Fifth Amendment privileges “over all potentially responsive materials received from her including, but not limited to, the catalogue of the devices in IDS’ possession.”

3. Attached hereto as **Exhibit 2** is a true and correct copy of a March 21, 2023 email I received in which counsel for Moog states: “The apparent basis for your position is that you intend to assert your clients’ Fifth Amendment privilege over the production of such communications.”

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Los Angeles, California, on March 30, 2023.

Alyssa L. Titche  
ALYSSA L. TITCHE

# EXHIBIT 1

**From:** [Scott Tenley](#)  
**To:** [Grant Gelberg](#); [Jim Vaughn](#); [rachel.fiset](#); [Takuma Nishimura](#); [Daniel Watson](#); [Waqas Anis](#); [Jonathan Karchmer](#); [Nitin Khanna](#)  
**Cc:** [SKYRYSEMOOG.LWTEAM@lw.com](#); [Rena Andoh](#); [Travis Anderson](#); [Kazim Naqvi](#); [Tyler Baker](#); [truitt.a](#); [James Salem](#); [rfluskey@hodgsonruss.com](#); [Lai Yip](#); [Cassandra.Baloga@lw.com](#); [Kelley.Storey@lw.com](#); [Arman.Zahoory@lw.com](#); [Ben Heller](#); [Catherine Thompson](#); [Alyssa Titcher](#)  
**Subject:** [EXTERNAL] RE: Moog v. Skyryse/Subpoena for records produced to iDS  
**Date:** Friday, March 10, 2023 11:49:10 AM  
**Attachments:** [image001.png](#)

---

Jim,

On behalf of Mr. Pilkington, we join Mr. Gelberg's position in all respects and assert Mr. Pilkington's Fifth Amendment privilege over all potentially responsive materials received from him including, but not limited to, the catalogue of the devices in IDS' possession attached to your March 9 email.

Regards,

Scott Tenley

Scott D. Tenley

**ZWEIBACK, Fiset & ZALDUENDO LLP**

Office: (213) 266-5174

Mobile: (949) 302-6570

---

**From:** Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>

**Sent:** Friday, March 10, 2023 11:24 AM

**To:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>; Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>; Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>; Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** SKYRYSEMOOG.LWTEAM@lw.com; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>; [truitt.a@wsslip.com](mailto:truitt.a@wsslip.com); James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>; [rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com); Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; [Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com); [Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com); [Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com); Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titcher <[alyssa.titcher@halpernmay.com](mailto:alyssa.titcher@halpernmay.com)>

**Subject:** Re: Moog v. Skyryse/Subpoena for records produced to iDS

Jim,

I write on behalf of defendant Misook Kim. The production of the catalogue of items described in your email, below, raises important privilege issues. Upon learning of the subpoena, we

immediately reached out to government counsel. To give us an adequate opportunity to have those discussions with the government, we're asserting Ms. Kim's Fifth Amendment privilege over all potentially responsive materials received from her including, but not limited to, the catalogue of the devices in IDS' possession attached to your March 9 email. Accordingly, we object to any production on that basis at this time. We will let you know when we have had an opportunity to confer with the government.

With respect to compliance with the terms of the subpoena, including paragraph 2, it is sufficient for purposes of an objection to note that Ms. Kim has asserted privilege over all information that would be responsive to the subpoena, including information that may be disclosed in a traditional privilege log. It is our position that paragraph 2 of the subpoena contemplates a privilege log for communications, which are not applicable here, and therefore additional information is not necessary in order to properly invoke the privilege.

Best,  
Grant

---

**Grant B. Gelberg**

Halpern May Ybarra Gelberg LLP  
550 S. Hope St., Suite 2330  
Los Angeles, CA 90071  
Main: (213) 402-1900  
Direct: (213) 402-1940  
Mobile: (213) 509-6067  
[Grant.Gelberg@halpernmay.com](mailto:Grant.Gelberg@halpernmay.com)  
[www.halpernmay.com](http://www.halpernmay.com)

---

**From:** Jim Vaughn <[JV Vaughn@idsinc.com](mailto:JV Vaughn@idsinc.com)>

**Date:** Thursday, March 9, 2023 at 7:42 AM

**To:** rachel.fiset <[rachel.fiset@zfzlaw.com](mailto:rachel.fiset@zfzlaw.com)>, Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>, Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>, Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>, Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>, Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** SKYRYSEMOOG.LWTEAM@lw.com <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>, Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>, Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>, Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>, Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>, truitt.a <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>, James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>, [rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com) <[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)>, Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>, Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>, [Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com) <[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)>, [Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com) <[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)>, [Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com) <[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)>, Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>, Ben Heller <[ben.heller@zfzlaw.com](mailto:ben.heller@zfzlaw.com)>

**Subject:** [EXTERNAL] Re: Moog v. Skyryse/Subpoena for records produced to iDS

Rachel/Grant,

I am reattaching the subpoena. Rachel, not to worry, they have not asked for a production of data in the traditional sense. The subpoena does not seek any of the underlying data, it instead demands a catalogue of what has been provided to iDS, a list of the forensic images created, that sort of thing. I am also attaching the evidence tracker to help you understand what has been provided to iDS. Please note that I cannot use a blanket objection of privilege for this subpoena. If after having reviewed the subpoena, you believe there is a legitimate and specific item on the list that should not be disclosed due to privilege, page 2 tells you how that specific privileged item must be identified. We will also need to have you signed on with iDS for a change in counsel. I will follow-up later today on that. And finally, if you are not approved, are you authorized to make legal decisions on behalf of the IDs? **NOT** trying to come across the wrong way, it's just that yesterday was the first time I heard that WSSLLP was out so I'm making sure I dot my I's on my side.

Thanks

----

**Jim Vaughn, GCFE, EnCE**

**Managing Director**

535 Anton Blvd., Suite 860 | Costa Mesa, CA. 92626

Direct: 714.261.0348 | [jvaughn@idsinc.com](mailto:jvaughn@idsinc.com)

[iDSinc.com](http://iDSinc.com)

---

**From:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Date:** Wednesday, March 8, 2023 at 9:39 PM

**To:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>, Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>, Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>, Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>, Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>, Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** "SKYRYSEMOOG.LWTEAM@lw.com" <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>, Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>, Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>, Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>, Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>, Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>, James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>, "rfluskey@hodgsonruss.com" <[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)>, Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>, "grant.gelberg@halpernmay.com" <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>, "Cassandra.Baloga@lw.com" <[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)>, "Kelley.Storey@lw.com" <[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)>, "Arman.Zahoory@lw.com" <[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)>, Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>, Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>

**Subject:** RE: Moog v. Skyrise/Subpoena for records produced to iDS

[EXTERNAL SENDER]

Counsel - can someone please send the subpoena mentioned below? We did not receive the attachment. My firm and Grant Gelberg's firm substituted into the case this week (and as of yesterday the court had not approved). We need a moment to get up to speed regarding all issues and absolutely object to any production in the meantime as we assume a privilege review is necessary and any production would be improper at this juncture.

Thank you.

Rachel Fiset

ZWEIBACK Fiset & ZALDUENDO LLP

315 W. 9<sup>th</sup> Street, Suite 950

Los Angeles, CA 90015

[rachel.fiset@zfzlaw.com](mailto:rachel.fiset@zfzlaw.com)

[www.zfzlaw.com](http://www.zfzlaw.com)

o: (213) 266-5172

c: (310) 721-4177



---

**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>

**Sent:** Wednesday, March 8, 2023 6:23 PM

**To:** Jim Vaughn <[JV Vaughn@idsinc.com](mailto:JV Vaughn@idsinc.com)>; Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>; Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>; Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>; James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>; [rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com); Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; [grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com); [Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com); [Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com); [Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)

**Subject:** Re: Moog v. Skyrise/Subpoena for records produced to iDS

Jim,

Please be advised that Alex Truitt and I are no longer counsel to the individual defendants. We should be removed from future emails. I have cc'd Mr. Pilkington's substitute counsel, Rachel Fiset, and Ms. Kim's substitute counsel, Grant Gelberg. All future communications should include them.

Thank you and it was a pleasure working with you and your team,

Anthony Green

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

---

**From:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>

**Sent:** Wednesday, March 8, 2023 9:17:38 PM

**To:** Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>; Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>; Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; [SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com) <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>; [Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com) <[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)>; [Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com) <[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>; James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>; [rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com) <[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; [Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com) <[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)>

**Subject:** Re: Moog v. Skyryse/Subpoena for records produced to iDS

Dear All,

Please see the attached subpoena. Absent any claim of privilege, we intend to produce the items required by mail. If you intend to exercise privilege over any of these items, please let me know by the end of the week.

Thanks

----

**Jim Vaughn, GCFE, EnCE**

**Managing Director**

535 Anton Blvd., Suite 860 | Costa Mesa, CA. 92626

Direct: 714.261.0348 | [jvaughn@idsinc.com](mailto:jvaughn@idsinc.com)

[iDSinc.com](http://iDSinc.com)

---

**From:** Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>

**Date:** Monday, March 6, 2023 at 5:23 PM

**To:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>, Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>, Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>, Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>, Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>, "[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)" <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>, "[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)" <[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)>, "[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)" <[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)>, Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>, Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>, Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>, Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>, James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>, "[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)" <[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)>, Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>, Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>, "[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)" <[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)>

**Subject:** RE: Moog v. Skyrise/Updated Evidence Tracker

[EXTERNAL SENDER]

Hello iDS,

We write regarding additional information needed for S0020, S0021, and S0022 (collectively “Devices”).

Section III.A.2 of the Inspection Protocol provides that iDS shall provide “specifications and serial number identifiers, including internal/embedded serial numbers, for the devices to document their current state and physical properties,” and that “this information shall be made available to the Receiving Party as part of the forensic image of the physical device for remote inspection (see Section III.B.1 herein).”

However, the make, model, and serial number information (collectively, “Information”) for the Devices is not available in the iDS inspection environment. Please provide the Information. Thank you for your time and assistance.

Kindest Regards,

Takuma

**Takuma Nishimura** | Associate

+1 858-876-3529 | direct

[TNishimura@sheppardmullin.com](mailto:TNishimura@sheppardmullin.com) | [Bio](#)

## SheppardMullin

12275 El Camino Real, Suite 100

San Diego, CA 92130-4092

+1 858-720-8900 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Jim Vaughn <[JV Vaughn@idsinc.com](mailto:JV Vaughn@idsinc.com)>

**Sent:** Thursday, February 23, 2023 11:48 AM

**To:** Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>;  
[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com); Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>;  
Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; [SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com);  
[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com); [Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com); Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>;  
Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>;  
Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>; James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>;  
[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com); Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>

**Subject:** Re: Moog v. Skyrise/Updated Evidence Tracker

Please see attached.

----

**Jim Vaughn, GCFE, EnCE**

**Managing Director**

535 Anton Blvd., Suite 860 | Costa Mesa, CA. 92626

Direct: 714.261.0348 | [jvaughn@idsinc.com](mailto:jvaughn@idsinc.com)

[iDSinc.com](http://iDSinc.com)

---

**From:** Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Date:** Thursday, February 23, 2023 at 11:15 AM

**To:** Jim Vaughn <[jvaughn@idsinc.com](mailto:jvaughn@idsinc.com)>, Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>,  
"Arman.Zahoory@lw.com" <[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)>, Daniel Watson

<[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>, Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>, Jonathan Karchmer

<[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>, Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>, "SKYRYSEMOOG.LWTEAM@lw.com"

<[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>, "Cassandra.Baloga@lw.com"

<[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)>, "Kelley.Storey@lw.com" <[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)>, Rena Andoh

<[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>, Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>, Kazim

Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>, Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>, James

Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>, "rfluskey@hodgsonruss.com"

<[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)>, Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>

**Subject:** Moog v. Skyrise/Updated Evidence Tracker

[EXTERNAL SENDER]

Jim, can you please circulate an updated evidence tracker to the parties? Believe the last one we have is from July 2022 (attached) and there have been a number of developments since then.

Thanks,

**Lai L. Yip**

+1 415-774-3147 | direct

[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

Four Embarcadero Center, 17th Floor

San Francisco, CA 94111-4109

+1 415-434-9100 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

INFORMATION CLASSIFICATION NOTICE: This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain

information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.

INFORMATION CLASSIFICATION NOTICE: This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.

INFORMATION CLASSIFICATION NOTICE: This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.

## **Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

# EXHIBIT 2

**From:** [Kazim Naqvi](#)  
**To:** [rachel.fiset](#); [Scott Tenley](#); [Rena Andoh](#); [Travis Anderson](#); [Lai Yip](#)  
**Cc:** [Ben Heller](#); [Grant Gelberg](#); [Catherine Thompson](#); [Alyssa Titcher](#)  
**Subject:** [EXTERNAL] RE: Moog/Skyryse - Meet and Confer  
**Date:** Tuesday, March 21, 2023 10:45:04 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Rachel:

Thank you for meeting and conferring this morning.

This confirms that the Individual Defendants are refusing to produce the documents ordered to be produced by the Court on November 10, 2022-- all communications from iDS Device Nos. E0003, E0004, E0014, E0021, E0022 from March 7, 2019 to December 31, 2022.

The apparent basis for your position is that you intend to assert your clients' Fifth Amendment privilege over the production of such communications. I advised you that your clients previously clawed back all devices produced to iDS under a potential Fifth Amendment assertion. In response to these actions, WDNY Magistrate Judge McCarthy ordered that: 1) the iDS devices are not subject to a Fifth Amendment privilege; 2) the production of such devices was not testimonial; and 3) if any Fifth Amendment privilege existed, it had been waived. (See Dkt. 253). After further written objection from your clients, presiding District Judge Vilaro issued an order on October 4, 2022 affirming Judge McCarthy's Order. (See Dkt. 272). After these orders were issued, Judge McCarthy then ordered the communications at issue to be produced.

You also mentioned the pending Motion to Stay as a basis to not produce any discovery. I invite you to provide legal authority that a pending motion to stay is a basis to stop discovery and compliance with prior Court orders compelling the production of discovery.

It is confusing and unfortunate that you are re-litigating issues that had expressly been ruled upon several months ago. The Individual Defendants are intentionally and flagrantly violating at least three Court orders. After waiting more than five months for these communications to be produced, we are now forced to move the Court to enforce such orders and reserve the right to seek monetary and other sanctions.

Thank you,  
Kazim

**Kazim A. Naqvi**  
+1 424-288-5336 | direct  
[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

## SheppardMullin

1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067-6017  
+1 310-228-3700 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Rachel Fiset <Rachel.Fiset@zfzlaw.com>

**Sent:** Wednesday, March 15, 2023 1:17 PM

**To:** Kazim Naqvi <KNaqvi@sheppardmullin.com>; Scott Tenley <scott.tenley@zfzlaw.com>; Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>

**Cc:** Ben Heller <Ben.Heller@zfzlaw.com>; Grant Gelberg <grant.gelberg@halpernmay.com>; Catherine Thompson <catherine.thompson@halpernmay.com>; Alyssa Titche <alyssa.titche@halpernmay.com>

**Subject:** RE: Moog/Skryse - Meet and Confer

I am not available until Tuesday. Does 10 AM work for you Tuesday morning?

Thank you.

Rachel Fiset

**ZWEIBACK FISET & ZALDUENDO LLP**

315 W. 9<sup>th</sup> Street, Suite 950

Los Angeles, CA 90015

[rachel.fiset@zfzlaw.com](mailto:rachel.fiset@zfzlaw.com)

[www.zfzlaw.com](http://www.zfzlaw.com)

o: (213) 266-5172

c: (310) 721-4177



---

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Wednesday, March 15, 2023 12:31 PM

**To:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skryse - Meet and Confer

Hi Rachel:

I need to reschedule our meet and confer. Can you please let me know your availability tomorrow and Friday?

Thanks,

Kazim

**Kazim A. Naqvi**

+1 424-288-5336 | direct

[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Kazim Naqvi

**Sent:** Friday, March 10, 2023 10:16 AM

**To:** 'Rachel Fiset' <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skryse - Meet and Confer

Hi Rachel:

I will send a Zoom invite to meet and confer on Wednesday at 2 PM. I look forward to speaking with you.

Thanks,  
Kazim

**Kazim A. Naqvi**

+1 424-288-5336 | direct

[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Sent:** Thursday, March 9, 2023 4:28 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Kazim – we can meet and confer, we just don't know enough to say anything that would facilitate a resolution and bringing us into court seems like a colossal waste of resources because we do not even have all of the relevant client files yet. Would you be so kind as to wait until we have all of the client files to discuss this issue? We are working diligently to get them. If not, we can discuss next Wednesday or Thursday (but I cannot promise I can effectively advise you of the status of the production until I have the files and know what they say...).

Thank you for your patience as we transfer this case.

Best,

Rachel Fiset

**ZWEIBACK Fiset & ZALDUENDO LLP**

315 W. 9<sup>th</sup> Street, Suite 950

Los Angeles, CA 90015

[rachel.fiset@zfzlaw.com](mailto:rachel.fiset@zfzlaw.com)

[www.zfzlaw.com](http://www.zfzlaw.com)

o: (213) 266-5172

c: (310) 721-4177



---

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Thursday, March 9, 2023 4:20 PM

**To:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Counsel:

The urgency is laid out in my prior e-mail. The Court ordered these documents to be produced on November 10, 2022, and they have not been produced. It does not require 14 days to review 10 pages of a transcript and an e-mail thread where your clients' prior counsel committed to producing the documents in December 2022. This is not a matter of interpretation or advocacy, it is a simple matter of your clients not complying with a prior discovery order of the Court.

We have requested a meet and confer as required by L.R. 37-1, and you have rejected our request. We are making one last request to telephonically meet and confer as required by the Court. Please

provide your availability tomorrow and Monday morning before Noon PT for a telephone conference. If you will not agree to meet and confer with us, by Noon PT on Monday, please provide five dates and times over the next three weeks where you are available for a conference with the Court. If we do not hear from you, we will request a discovery conference with the Court on Monday afternoon and will advise the Court of our meet and confer efforts. We reserve all rights, including the right to obtain sanctions as appropriate under Rule 37(b).

Thank you,  
Kazim

**Kazim A. Naqvi**

+1 424-288-5336 | direct

[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Sent:** Thursday, March 9, 2023 3:51 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Kazin - thank you for providing the attached materials, which we will review. Nevertheless, as newly substituted counsel, we are not, and will not be by close of business today, in a position to confirm details about any document production or a date certain for such a production. As such, I do not understand the sudden urgency to seek court intervention where new counsel has just entered the case and is not equipped with sufficient information to make the commitments you seek.

I suggest we reconvene in 14 days at which time I anticipate we will have a better understanding of the issues and can therefore participate in an informed meet and confer.

Thank you.

Rachel Fiset

**ZWEIBACK Fiset & ZALDUENDO LLP**

315 W. 9<sup>th</sup> Street, Suite 950

[Los Angeles, CA 90015](#)

[rachel.fiset@zfzlaw.com](mailto:rachel.fiset@zfzlaw.com)

[www.zfzlaw.com](http://www.zfzlaw.com)

o: (213) 266-5172

c: (310) 721-4177



---

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Tuesday, March 7, 2023 9:12 PM

**To:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titcher <[alyssa.titcher@halpernmay.com](mailto:alyssa.titcher@halpernmay.com)>

**Subject:** RE: Moog/Skryse - Meet and Confer

Hi Scott:

It is nice to meet you via e-mail. We appreciate that you are just now substituting into the case, but we disagree that a request to meet and confer about the Individual Defendants' failure to produce documents pursuant to a Court order issued 4 months ago is premature. We have been waiting 4 months for these documents to be produced.

At your request, I am attaching:

- The November 10, 2022 hearing transcript, where the Court orders the communications to be produced (see pages 35-46).
- A December 7, 2022 e-mail from Individual Defendants' prior counsel indicating the Court-ordered documents would be produced "toward the end of next week."

This is a simple issue. On November 10, 2022, the Court ordered the Individual Defendants to produce communications from March 7, 2019 through December 31, 2020 from 5 devices. Individual Defendants' prior counsel stated in December 2022 the documents were forthcoming the next week. The documents have not been produced after several months.

Please confirm by COB Thursday that all the Court-ordered communications will be produced within 14 days. If we do not receive this confirmation, we will proceed on Friday with scheduling an informal discovery conference.

Thank you,  
Kazim

**Kazim A. Naqvi**

+1 424-288-5336 | direct

[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

## SheppardMullin

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>

**Sent:** Tuesday, March 7, 2023 5:45 PM

**To:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Cc:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titcher <[alyssa.titcher@halpernmay.com](mailto:alyssa.titcher@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Kazim,

I write on behalf of both Mr. Pilkington and Ms. Kim. We have reviewed your March 6 request to meet and confer about a November 10, 2022 discovery order issued by the Western District of New York. At this point, that request is premature. The Court did not grant our substitution request until just this afternoon. Our understanding of the discovery orders and the pending discovery disputes is very limited at this point. While we will endeavor to bring ourselves up to speed promptly, we are not yet in a position to meaningfully and intelligently confer on any pending discovery disputes. If there are particular emails, transcripts, or orders that you would like us to review on the discovery matter discussed in your email, please send them to us. Once we have developed an understanding of the discovery issues implicated by the order, we look forward to conferring further so that we may work to resolve the dispute without the need for court intervention.

Regards,  
Scott Tenley

Scott D. Tenley

**ZWEIBACK, Fiset & ZALDUENDO LLP**

Office: (213) 266-5174

Mobile: (949) 302-6570

---

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Monday, March 6, 2023 6:24:38 PM

**To:** [Grant.Gelberg@halpernmay.com](mailto:Grant.Gelberg@halpernmay.com) <[Grant.Gelberg@halpernmay.com](mailto:Grant.Gelberg@halpernmay.com)>;

[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com) <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Subject:** FW: Moog/Skryse - Meet and Confer



Dear Counsel:

We are counsel for Moog in connection with the above-referenced matter. Per the e-mail exchange below, we understand that your firms are substituting in as new counsel for Individual Defendants Misook Kim and Robert Alin Pilkington.

As described below, there is a discovery dispute that we intend to promptly raise with Magistrate Judge Rocconi for an informal discovery conference. The dispute relates to Individual Defendants' failure to produce all communications from five electronic devices produced to third party vendor iDS from March 7, 2019 through December 31, 2020, pursuant to the WDNY's orders on November 10, 2022. (Dkt. 292). The WDNY ordered such communications to be produced in November 2022, and the Individual Defendants committed in December 2022 to producing such documents, but are now refusing to produce them.

Given the length of time we have waited for compliance and production, and our eagerness to move this issue forward, please provide your availability Wednesday to telephonically meet and confer regarding this issue, as required by L.R. 37-1. We are available on Wednesday any time between 10 AM-1 PM and after 2:30 PM PT.

Thank you,  
Kazim

**Kazim A. Naqvi**  
+1 424-288-5336 | direct  
[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067-6017  
+1 310-228-3700 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

---

**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>

**Sent:** Friday, March 3, 2023 1:00 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson  
<[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Kazim,

As you are aware from our office's filing yesterday, we are withdrawing as counsel for the Individual Defendants. As such, any conferences that will impact future proceedings should occur with incoming counsel. Similarly, the Individual Defendants' new counsel's availability, rather than ours, will need to be considered in scheduling a discovery conference with the Court.

Best,

Anthony

**Anthony D. Green, Esq.**

*Partner*

Winget, Spadafora & Schwartzberg, LLP

45 Broadway, 32nd Floor

New York, N.Y. 10006

P (212) 221-6900 | F (212) 221-6989

E [Green.A@wssllp.com](mailto:Green.A@wssllp.com) | M (917) 837-1781

**Connect with us**



[WSSLLP.com](http://WSSLLP.com) | [Mailing List](#)

Outlook\_WSS\_Primary Logo\_RGB



PLEASE NOTE THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR OTHERWISE PROTECTED FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT OR OTHERWISE HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY RETURN EMAIL, AND DELETE THIS MESSAGE AND ALL ATTACHMENTS FROM YOUR COMPUTER SYSTEM.

IRS CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH U.S. TREASURY REGULATIONS GOVERNING TAX PRACTICE, WE INFORM YOU THAT: ANY U.S. TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ATTACHMENTS) WAS NOT WRITTEN TO BE USED FOR AND CANNOT BE USED FOR (I) PURPOSES OF AVOIDING ANY TAX RELATED PENALTIES THAT MAY BE IMPOSED UNDER FEDERAL TAX LAWS, OR (II) THE PROMOTION, MARKETING OR RECOMMENDING TO ANOTHER PARTY OF ANY TRANSACTION OR MATTER ADDRESSED HEREIN.

THE INFORMATION IN THIS E-MAIL AND IN ANY ATTACHMENTS IS CONFIDENTIAL AND MAY BE PRIVILEGED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE DESTROY THIS COMMUNICATION AND NOTIFY THE SENDER IMMEDIATELY. YOU SHOULD NOT RETAIN, COPY OR USE THIS E-MAIL FOR ANY PURPOSE, NOR DISCLOSE ALL OR ANY PART OF ITS CONTENTS TO ANY OTHER PERSON OR PERSONS.

---

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Friday, March 3, 2023 3:45 PM

**To:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Subject:** Moog/Skyryse - Meet and Confer

Counsel:

Moog intends to commence a discovery conference with Magistrate Judge Rocconi regarding the Individual Defendants' failure to produce all communications from five electronic devices produced to iDS from March 7, 2019 through December 31, 2020, pursuant to the WDNy's orders on November 10, 2022. (Dkt. 292). Pursuant to Magistrate Judge Rocconi's procedures, the Parties must engage in one final meet and confer within 24 hours of initiating the discovery conference procedure.

Please provide your availability on Monday to meet and confer between 11AM to Noon PT, and 1-4 PM PT. As required by Judge Rocconi's procedures, please also provide three available dates and times over the next two weeks to participate in a discovery conference with the Court.

Thank you,  
Kazim

**Kazim A. Naqvi**

+1 424-288-5336 | direct

[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.